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Subpart 225.73—Acquisitions for Foreign Military Sales

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- 225.7500 Scope of subpart.
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AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36367, July 31, 1991, unless otherwise noted.

225.000 Scope of part.

This part also provides policy and procedures for—

- (1) Purchasing foreign defense supplies, services, and construction materials with special procedures for—
 - (i) Contracting with Canadian and other qualifying country sources; and
 - (ii) Cooperative projects;
- (2) Implementing statutory and policy restrictions on foreign acquisition;
- (3) Reporting contract performance outside the United States;
- (4) Foreign military sales acquisitions; and

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- (5) Antiterrorism/force protection for defense contractors outside the United States.

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225.001 General.

When evaluating offers of foreign end products, consider the following:

- (1) *Statutory or policy restrictions.*
 - (i) Determine whether the product is restricted by—
 - (A) Statute (see Subpart 225.70); or
 - (B) DoD policy (see Subpart 225.71 and FAR 6.302-3).
 - (ii) If an exception to or waiver of a restriction in Subpart 225.70 or 225.71 would result in award of a foreign end product, apply the policies and procedures of the Buy American Act or the Balance of Payments Program, and, if applicable, the trade agreements.
- (2) *Memoranda of understanding or other international agreements.* Determine whether the offered product is the product of one of the qualifying countries listed in 225.872-1.

(3) *Trade agreements.* If the product is not an eligible product, a qualifying country end product, or a U.S.-made end product, purchase of the foreign end product may be prohibited (see FAR 25.403(c) and 225.403(c)).

(4) *Other trade sanctions and prohibited sources.*

(i) Determine whether the offeror complies with the secondary Arab boycott of Israel. Award to such offerors may be prohibited (see 225.670).

(ii) Determine whether the offeror is a prohibited source (see Subpart 225.7).

(5) *Buy American Act and Balance of Payments Program.* See the evaluation procedures in Subpart 225.5.

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225.003 Definitions.

As used in this part—

(1) *Caribbean Basin country end product* includes petroleum or any product derived from petroleum.

(2) *Defense equipment* means any equipment, item of supply, component, or end product purchased by DoD.

(3) *Domestic concern* means—

(i) A concern incorporated in the United States (including a subsidiary that is incorporated in the United